IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4529 OF 2005

IN

FIRST APPEAL NO. 1359 OF 2003

Smt. J.V. Thorat ..Appellant

versus

Prakash L. Inamdar & Anr. ..Respondents

Mr. P. B. Deo for the Appellant.

CORAM : D. G. DESHPANDE,J.

DATE : 21ST OCTOBER,2005

P.C. :

1. Heard.

2. This application is for setting aside the order of dismissal dated 29.3.2005 for non removal of office objection i.e. non payment of bhatta. Record will show that continuously appellant was absent. He did not take proper steps. However, in the circumstances and looking to the issue involved, order of dismissal dated 29.3.2005 is set aside

subject to payment of costs of Rs.1,000/- (Rupees One Thousand). Cost to be paid to the Legal Aid Committee of this Court, within two weeks. Payment of cost condition precedent. Bhatta to be paid within two weeks positively, without fail. Appeal is restored to file Civil Application is allowed and disposed of.

3. If the bhatta is not paid, the order of dismissal to stand as it is. If Bhatta is paid, issue notice. Returnable four weeks thereafter.

21.10.2005 (D.G. DESHPANDE, J.)